



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Hedy Chang, Mayor Pro Tempore	Hedy L. Chang, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

WEDNESDAY, JANUARY 15, 2003

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:00 P.M.

***A Special Meeting Is Called at 6:00 P.M. for the Purpose of
Conducting Closed Sessions.***

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

6:00 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure/Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)

Number of Potential Cases: 4

2.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)

Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of
Cochrane Road (St. Louise Hospital property)

City Negotiators: Agency Members; Executive Director; Agency Counsel; F.

Gale Conner, special counsel; Rutan & Tucker, special counsel

Case Name: San Jose Christian College v. City of Morgan Hill

Case Numbers: Ninth Circuit Court of Appeal No. 02-15693

Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

3.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Legal Authority: Government Code Section 54965.9(a)

Case Name: Morgan Hill Unified School District v. Minter & Fahy

Case No.: Santa Clara County Superior Court, No. CV 772368

Attendees: City Council, City Manager, City Attorney, Mark Strombotne, Special Counsel

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

RECOGNITION

City of Morgan Hill Peak Performance Awards
Challenge Award – Terrie Booten
Innovation Award – Rod DeGallery
Professional Growth Award – Steve Pennington
Teamwork Award – Tim Johnson, Karen Lengsfeld, Mark Rauscher, Tina Reza, Mori Struve
Employee of the Year – Bill Newkirk
Mary Kaye Fisher

CITY COUNCIL REPORT

Council Member Sellers

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE DEPUTY CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 1 - 13

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Consent Calendar: 1 - 10 Minutes

Page

- | | |
|----|--|
| 1) | <u>DECEMBER 2002 FINANCE AND INVESTMENT REPORT</u> 1
Recommended Action(s): <u>Accept</u> and <u>File</u> Report |
| 2) | <u>PUBLIC ACCESS TELEVISION SERVICES</u> 25
Recommended Action(s): <u>Authorize</u> the City Manager to Execute a Contract with Morgan Hill Access Television for Public Access Services, Subject to Review by City Attorney. |

- 3) **AMENDMENT TO AGREEMENT WITH THE LAW FIRM OF DOWNEY, BRAND, SEYMOUR AND ROHWER, LLP**..... 39
Recommended Action(s): **Authorize** the City Manager to Execute an Amended Agreement With the Law Firm of Downey, Brand, Seymour & Rohwer, LLP.

- 4) **AMENDMENT TO RECORDS RETENTION SCHEDULE FOR CITY OF MORGAN HILL**..... 53
Recommended Action(s): **Adopt** Resolution No. 5628, Amending the City's Record Retention Schedule.

- 5) **MEASURE P UPDATE COMMITTEE – COMPLETION OF ASSIGNMENT**..... 69
Recommended Action(s): **By Minute Action, Allow** Committee to Submit its Final Report to City Council on May 7, 2003.

- 6) **URBAN LIMIT LINE (GREENBELT) STUDY APPROVAL OF CONSULTANT CONTRACT**..... 71
Recommended Action(s):
 1. **Approve** Contract with Moore Iacofano Goltsman, Inc. (MIG) for Work on the Urban Limit Line Study with a Maximum Budget of \$245,783; and
 2. **Approve** a Budget Amendment to Increase the Greenbelt Study Budget by \$45,783, with a \$27,470 Appropriation From the General Plan Update Fund and Loan From the Other Contributing Funds.

- 7) **EXTENSION OF CONTRACT FOR CONSULTANT PLANNING SERVICES**..... 99
Recommended Action(s): **Authorize** the City Manager to Execute a Contract in the Amount of \$100,000 for Contract Planning Services.

- 8) **ENVIRONMENTAL ASSESSMENT APPLICATION EA-02-30: SAN PEDRO-CITY OF MORGAN HILL**..... 111
Recommended Action(s): **Adopt** the Negative Declaration by Minute Action.

- 9) **WAIVE READING OF ORDINANCE NO. 1598, NEW SERIES**..... 147
Recommended Action(s): **Waive** the Reading, and **Approve** Ordinance No. 1598, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall Be Determined to Have Been Read by Title, and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1523, NEW SERIES, TO AMEND THE DEVELOPMENT AGREEMENT TO INCORPORATE A SIX MONTH EXCEPTION TO LOSS OF BUILDING ALLOCATION FOR 5 BUILDING ALLOTMENTS FOR FY 2001-2002 AND A FIVE MONTH EXCEPTION TO LOSS OF BUILDING ALLOCATION FOR 11 BUILDING ALLOTMENTS FOR FY 2002-2003 FOR APPLICATION MP 00-22: COCHRANE - DIVIDEND (APNs 728-42-008, 017; AND 728-43-021).**

- 10) **WAIVE READING OF ORDINANCE NO. 1601, NEW SERIES**..... 153
Recommended Action(s): **Waive** the Reading, and **Approve** Ordinance No. 1601, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall Be Determined to Have Been Read by Title, and Further Reading Waived; Title as Follows **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT TO AMEND A PRECISE DEVELOPMENT PLAN TO ALLOW FOR A 59 UNIT R-1 (7,000)/RPD SINGLE-FAMILY RESIDENTIAL PLANNED DEVELOPMENT LOCATED ON THE NORTH SIDE OF CENTRAL AVENUE - SOUTH OF MORGAN HILL BUSINESS PARK, BETWEEN SERENE DRIVE AND BUTTERFIELD BLVD. (APNS 726-28-001 & 002).**

- 11) **WAIVE READING OF ORDINANCE NO. 1602, NEW SERIES**..... 157
Recommended Action(s): **Waive** the Reading, and **Approve** Ordinance No. 1602, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall Be Determined to Have Been Read by Title, and Further Reading Waived; Title as Follows **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT, DA 02-08 FOR MP 01-09: CENTRAL AVE.-WARMINGTON (APNS 726-28-001 & 002).**

- 12) **WAIVE READING OF ORDINANCE NO. 1603, NEW SERIES** 161
Recommended Action(s): **Waive** the Reading, and **Approve** Ordinance No. 1603, New Series, as amended; and **Declare** That Said Title, Which Appears on the Public Agenda, Shall Be Determined to Have Been Read by Title, and Further Reading Waived; Title as Follows **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING SECTION 18.54.160 OF THE MORGAN HILL MUNICIPAL CODE ESTABLISHING REGULATIONS FOR PARKING LOT AND SIDEWALK SALES.**
- 13) **APPROVE SPECIAL CITY COUNCIL MEETING MINUTES OF DECEMBER 18, 2002** 165

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 14

- 14) **APPROVE JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF DECEMBER 18, 2002** 169

City Council Action

OTHER BUSINESS:

- | | Time Estimate | | Page |
|---|----------------------|--|-------------|
| 15) | 20 Minute | <u>DISCUSSION OF PHASING FOR COMMERCIAL PLANNED UNIT DEVELOPMENT (PUD)</u>
<u>Recommended Action(s):</u> <u>Discuss</u> and <u>Give Direction</u> Regarding the Potential Phasing of Development Within the PUD Zoning at Tennant Avenue and Highway 101. | 201 |
| <p><u>SECOND READING OF ORDINANCE:</u> Full Reading Waived by Majority Vote.
 (Government Code Section 36934)
 Action – <u>Adopt</u> Ordinance by Roll Call Vote.</p> | | | |
| 16) | 1 Minute | <u>ADOPT ORDINANCE NO. 1599, NEW SERIES</u>
An Ordinance of the City Council of the City of Morgan Hill Approving a Development Agreement for Application MP-01-07: Shafer-Bamdad (APN 728-10-005)/(DA-02-07: Shafer-Bamdad). | 211 |
| 17) | 1 Minute | <u>ADOPT ORDINANCE NO. 1600, NEW SERIES</u>
An Ordinance of the City Council of the City of Morgan Hill Approving a Development Agreement, DA-02-10: East Dunne-First Community Housing for Application MP 01-12: East Dunne-First Community Housing (APN 817-11-069). | 215 |

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT